

# **Exhibit 6**

CONFIDENTIAL  
Michael Ben-Jacob – October 12, 2021

Page 329

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MASTER DOCKET 18-MD-2865 (LAK)  
CASE NO. 18-CV-09797

\_\_\_\_\_)  
IN RE: )  
\_\_\_\_\_)  
CUSTOMS AND TAX ADMINISTRATION OF )  
THE KINGDOM OF DENMARK )  
(SKATTEFORVALTNINGEN) TAX REFUND )  
SCHEME LITIGATION )  
\_\_\_\_\_)

C O N F I D E N T I A L

REMOTE VTC VIDEOTAPED DEPOSITION UNDER ORAL  
EXAMINATION OF  
MICHAEL BEN-JACOB  
VOLUME II  
DATE: October 12, 2021

REPORTED BY: MICHAEL FRIEDMAN, CCR

CONFIDENTIAL  
Michael Ben-Jacob – October 12, 2021

Page 330

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TRANSCRIPT of the continued videotaped  
deposition of the witness, Volume II, called for  
Oral Examination in the above-captioned matter, said  
deposition being taken by and before MICHAEL  
FRIEDMAN, a Notary Public and Certified Court  
Reporter of the State of New Jersey, via WEBEX, ALL  
PARTIES REMOTE, on October 12, 2021, commencing at  
approximately 9:47 in the morning.

CONFIDENTIAL  
Michael Ben-Jacob – October 12, 2021

Page 348

1           Q    Well, anything you did to satisfy  
2   yourself that you could sign the declarations  
3   concerning Belgium other than have this  
4   conversation with the client group and  
5   receive the Freshfields opinion?

6           A    I can't recall now what other steps  
7   I may or may not have taken at the time other  
8   than the two things that we've already  
9   mentioned.

10          Q    Did you sign any declaration in  
11   connection with any reclaim applications to  
12   Germany?

13          A    I believed that I did or authorized  
14   them to be signed.

15          Q    And what did you do to satisfy  
16   yourself that you could appropriately sign a  
17   declaration of beneficial ownership  
18   concerning German shares?

19          A    I generally recall having  
20   conversations with clients or the client  
21   group with respect to the understanding of  
22   beneficial ownership as it related to the  
23   German shares.

24                I also recall generally having  
25   conversations as to an opinion with — in

CONFIDENTIAL  
Michael Ben-Jacob – October 12, 2021

Page 349

1 relation to those shares and in which they  
2 ultimately provided to me from Norton Rose,  
3 if I remember the law firm correctly.

4 I also recall generally that at the  
5 time Kaye Scholer had an office in Frankfurt,  
6 and there was some discussions with some of  
7 the attorneys there but I can't recall with  
8 respect to the discussions with the attorneys  
9 in Frankfurt, the Kaye Scholer attorneys in  
10 Frankfurt, what exactly the topics were, but  
11 I do recall reaching out to them on German  
12 law issues.

13 Q And do you recall anything of what  
14 you've heard from your colleagues in  
15 Frankfurt?

16 A I -- I do not at this time recall  
17 what the topics were that were discussed with  
18 the Kaye Scholer colleagues in the Frankfurt  
19 office.

20 Q Sir, could I ask you to turn to  
21 Exhibit 4486.

22 MR. MAGUIRE: Mark 4486.

23 (Whereupon the above mentioned was  
24 marked for Identification.)

25 A Yes, I have it here.

CONFIDENTIAL  
Michael Ben-Jacob – October 12, 2021

Page 445

1 C E R T I F I C A T E

2

3 I, MICHAEL FRIEDMAN, a Certified Court  
4 Reporter and Notary Public, qualified in and for  
5 the State of New Jersey do hereby certify that  
6 prior to the commencement of the examination  
7 MICHAEL BEN-JACOB was duly affirmed by me to  
8 testify to the truth the whole truth and nothing  
9 but the truth.

10 I DO FURTHER CERTIFY that the foregoing  
11 is a true and accurate transcript of the testimony  
12 as taken stenographically by and before me at the  
13 time, place and on the date hereinbefore set forth.

14 I DO FURTHER certify that I am neither a  
15 relative of nor employee nor attorney nor counsel  
16 for any of the parties to this action, and that I  
17 am neither a relative nor employee of such attorney  
18 or counsel, and that I am not financially  
19 interested in the action.

20   
21

22 MICHAEL FRIEDMAN, CCR of the  
23 State of New Jersey  
24 License No: 30XI00228600  
25 Date: October 13, 2021